

Attorney Docket No.: 5051-338CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Conkling et al.  
Serial No.: 09/963,340  
Filed: September 24, 2001  
For: *REGULATION OF QUINOLATE PHOSPHORIBOSYL TRANSFERASE EXPRESSION*

Group Art Unit: 1638  
Confirmation No.: 1188  
Examiner: R. Kallis

Date: August 20, 2007

Mail Stop RCE  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321**

Sir:

I, Mary L. Miller, am an attorney of record of the disclaimant, North Carolina State University, and am authorized to execute this disclaimer on behalf of North Carolina State University. The disclaimant, North Carolina State University, having a principal place of business at Campus Box 7003, City of Raleigh, County of Wake, State of North Carolina, 27695, is the owner of all right, title, and interest in the above-identified application, as evidenced by the Assignment recorded with the U.S. Patent and Trademark Office on May 22, 1998, at Reel 009206, Frame 0761.

The disclaimant hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156, §173, and any other relevant statutory provision of prior United States Patent No. 6,586,661, issued July 1, 2003, as presently shortened by any terminal disclaimer. This patent is commonly owned by the disclaimant as evidenced by the above-referenced Assignment.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the patent granted on the above-identified patent application and United States Patent No. 6,586,661, issued July 1, 2003, are commonly owned. This agreement runs with any patent

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granted on the above-identified application, and is binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application that is prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§154-156 and §173 of prior United States Patent No. 6,586,661, issued July 1, 2003, as presently shortened by any terminal disclaimer, in the event that one or more of the prior patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer.

Respectfully submitted,

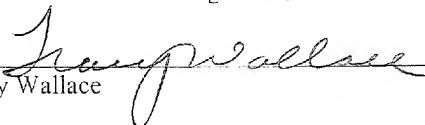


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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 20, 2007

  
Tracy Wallace